

Girard, OH

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

MID-WEST TELEPHONE SERVICE, INC.

and

WILFREDO PLACERES, DUSTIN PORTER,
BEN FANNIN AND MICHAEL WILLIAMS

Cases 08-CA-038901
08-CA-039168
08-CA-039297
08-CA-039398
08-CA-039334

SECOND SUPPLEMENTAL DECISION AND ORDER

On October 19, 2012, the Respondent, Mid-West Telephone Service, Inc., filed with the Board in Washington, D.C., an Application for Attorney's Fees and Expenses pursuant to the Equal Access to Justice Act. By Order dated January 17, 2013, the Board referred the Respondent's application to Administrative Law Judge Mark Carissimi for appropriate action. Thereafter, on February 4, 2013, the Administrative Law Judge issued his Supplemental Decision and Order granting the Acting General Counsel's motion to dismiss the Respondent's application for attorney's fees under the Equal Justice Act and, on the same date, the proceeding was transferred to and continued before the Board in Washington D.C. In his Supplemental Decision and Order, the Administrative Law Judge found that the Acting General Counsel's position was substantially justified with respect to the allegation in the complaint regarding the discharge of employee Wilfredo Placeres.

No statement of exceptions having been filed with the Board, and the time allowed for such filing having expired,

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, and Section 102.48 of the National Labor Relations Board Rules and Regulations, the Board adopts the findings and conclusions of the Administrative Law Judge as contained in his Supplemental Decision and Order, and the recommended Order of the Administrative Law Judge becomes the Order of the Board. Accordingly,

The Respondent's Application for Attorney's Fees and Expenses is dismissed.

Dated, Washington, D.C., March 21, 2013.

By direction of the Board:

/s/Farah Z. Qureshi

Associate Executive Secretary